

DIRECTIVE	ITALY	GERMANY
<p style="text-align: center;">Directive 2006/114/EC Article 4</p> <p>Comparative advertising shall, as far as the comparison is concerned, be permitted when the following conditions are met:</p> <ul style="list-style-type: none"> a) it is not misleading within the meaning of Articles 2(b), 3 and 8(1) of this Directive or Articles 6 and 7 of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ('Unfair Commercial Practices Directive') (7); b) it compares goods or services meeting the same needs or intended for the same purpose; c) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price; d) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor; e) for products with designation of origin, it relates in each case to products with the same designation; f) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products; g) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name; h) it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor. 	<p style="text-align: center;">LD 145/2007 SECTION 4</p> <p>Conditions under which comparative advertising is lawful:</p> <ul style="list-style-type: none"> a) It is not misleading within the meaning of Sections 21, 22 and 23 of Legislative Decree No 206 of 6 September 2005 enacting the 'Consumer Code' b) it compares goods or services meeting the same needs or intended for the same purpose; c) It objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price; d) It does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor; e) It does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor; f) For products with designation of origin, it relates in each case to products with the same designation; g) it does not take unfair advantage of the reputation of a trademark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products; h) It does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name 	<p style="text-align: center;">SECTION 6 UWG</p> <p style="text-align: center;">Comparative advertising</p> <ul style="list-style-type: none"> 1) Comparative advertising shall mean any advertising which explicitly or by implication identifies a competitor, or goods or services offered by a competitor. 2) Unfairness shall have occurred where a person conducting comparative advertising uses a comparison which: <ul style="list-style-type: none"> 1. does not relate to goods or services meeting the same needs or intended for the same purpose; 2. does not objectively relate to one or more material, relevant, verifiable and representative features of the goods concerned, or to the price of those goods or services; 3. leads in the course of trade to a risk of confusion between the advertiser and a competitor, or between the goods or services offered, or the distinguishing marks used by them; 4. takes unfair advantage of or impairs the reputation of a distinguishing mark used by a competitor; 5. discredits or denigrates the goods, services, activities, or personal or business circumstances of a competitor; or 6. presents goods or services as imitations or replicas of goods or services sold under a protected distinguishing mark.